



Judicial Advisory Committee

2002 Annual Report

By Kenneth C. Mennemeier, Chair

The Judicial Advisory Committee (“JAC”) was established in 1997 as an outgrowth of the “Biden Committee,” which had been established pursuant to the Civil Justice Reform Act of 1990. The CJRA expired in 1997. The Court had found the Biden Committee’s contributions to the Court valuable, so the Court created the JAC as a forum that brings together representatives of the various entities and organizations that have an interest in the federal courts’ work. These are the highlights from the JAC and some of its constituent entities during the past year:

1. Eastern District Historical Society

The Historical Society was incorporated in February 2001. The Society exists for two purposes: (1) to preserve the history of the District Court, through the taking of oral histories and otherwise, and (2) to publish articles and other items on topics of historical significance to the District. During the past year, the Society has completed two oral histories, of Judge Myron D. Crocker and Judge Milton L. Schwartz. A number of other oral histories are in process. The Society has approximately 100 members. To learn more about the Historical Society and how you can become involved, contact Courtney Linn or visit the Society’s website at www.courthistory.com.

2. Local Rules

The JAC spent considerable time over the last year considering and refining suggested changes to a number of Local Rules. A number of local rules were amended, and the Court adopted a new Local Rule Crim 5-403, which deals with court interpreter services in criminal cases. Several proposed changes to Local Rule 83-182 (which deals with attorney appearances and withdrawals) are still under consideration. The Local Rules are now posted on the court’s website, at www.caed.uscourts.gov.

3. Federal Bar Association - Sacramento Chapter

The Chapter kicked off its 2002 program series in January with a panel discussion on the constitutionality of military tribunals and their effect on civil liberties. Panelists included attorney James Brosnahan, Leslie Gielow Jacobs of McGeorge School of Law, and former Special Assistant Attorney General Tom Gede. In April, Professor Michael Gerhardt of William and Mary School of Law spoke about the federal judicial selection process. In April, the Chapter, along with the Sacramento County Bar, sponsored a luncheon presentation by Judge Frank C. Damrell, Jr. on his Operation Protect and Defend program. In July, Professor Alan Brownstein of U.C. Davis School of Law and Professor Clark Kelso of McGeorge School of Law gave their annual Supreme Court update. In September, Judge David F. Levi, Professor Richard L. Marcus of Hastings College of the Law, and Kim Mueller participated in a panel discussion on the use of protective orders in federal court. In November, the Chapter will hold its annual dinner where attorney Joseph Cotchett will speak on corporate responsibility in the post-Enron era.

4. Federal Bar Association - San Joaquin Valley Chapter

The Chapter held its annual Law Clerks' reception in the Fall of 2001. On April 4, the Chapter participated in the ground-breaking ceremony for the new Fresno courthouse. The expected completion is 2005. A move is underway to name the facility after Judge Robert E. Coyle, who has been instrumental in getting Congressional approval and funding for both the Sacramento and the Fresno courthouses. On April 19, the Chapter hosted a panel presentation dealing with immigration issues. The Chapter also saluted Peter Carroll, who left Fresno to become a new bankruptcy judge in Los Angeles. Ann Voris concludes her term as Chapter President in December.

5. Juror Outreach

A subcommittee, chaired by Judge Oliver W. Wanger, has been working on a juror outreach program for the Fresno Division. The goal of the program is to increase the participation of under-represented communities in the federal court jury pool for the Fresno Division. To date, the project has revised the juror questionnaire and related material to make it more "user friendly" and to provide prospective jurors with additional information about sitting as a juror. In addition, a media campaign has started in an effort to encourage citizens to respond to the questionnaires and participate in the jury process. The campaign consists of newspaper articles in local newspapers

throughout the Fresno division and public announcements to be aired on local radio and television stations. Finally, the project committee will be making presentations to different community groups throughout the division in an effort to demystify the jury process, answer any questions that prospective jurors may have about the process, and promote the value and importance of jury service.

6. Confidentiality Agreements; Stipulated Protective Orders; and Filing Documents under Seal

The JAC began discussing the use of protective orders in business litigation. Preliminary observations include the facts that (1) some business litigants try to obtain stipulated protective orders as a matter of routine, (2) FRCP 26 requires a finding of good cause for issuance of a protective order, (3) some judges no longer sign stipulated protective orders routinely, and instead offer the parties their own, standardized form for a protective order, and (4) filing documents under seal places a considerable burden on the Clerk's office and the Court. The State Court system has recently adopted rules that formalize the process for filing records under seal. *See* Cal. Rules of Court 243.1 - 243.3 (effective January 1, 2001). In federal court, Local Rule 39-138(b) provides the only guidance on filing documents under seal.

7. ADR

The Court continues to have a vigorous and successful ADR program, now called the Voluntary Dispute Resolution Program ("VDRP"). *See* Local Rule 16-271. Those interested in serving as neutrals in the VDRP program should review the training video available through Joyce Del Pero in the Clerk's office (916-930-4042).

8. District's Website

With the help of the Website Subcommittee, the Court has revamped its website. Please visit the new site at www.caed.uscourts.gov.

9. Lawyer Representatives to the Ninth Circuit Judicial Conference

The Lawyer Representatives have prepared a new Media Handbook, scheduled for publication in Fall 2002. The handbook results from numerous discussions over the last few years regarding occasions when the media reports on federal litigation matters unfairly or inaccurately. In such instances, court representatives are often precluded from explaining judicial decisions. The Lawyer Representatives determined that a

constructive and useful task would be to provide summary information in the Media Handbook format, with references on where reporters can go for more in-depth material. The Handbook's goal is to provide essential, clear information about the federal courts and federal law practice to reporters who are working on deadline without the benefit of knowing our special legal niche well.

Many people have contributed to the handbook. The authors include: Steven Goff, John Timmer, Kathleen Bales-Lange, Margaret Carew Toledo, Malcolm Segal and Kim Mueller. Kim Mueller also served as editor. Former and current Lawyer Representatives who contributed to the discussions leading up to and inspiring the Handbook include: Judy Holzer-Hersher, now a Sacramento Superior Court Judge; Charles J. Stevens; Roger Nuttall; and Al Berryman. The Sacramento Chapter of the Federal Bar Association facilitated a complementary activity during the Handbook's development, in hosting a panel discussion of media issues among lawyers, public relations professionals and a seasoned reporter. The law firm of McDonough, Holland & Allen will publish the final version of the Handbook, *pro bono*.

10. Eastern District Conference Planning Committee

Lisa Mercurio and Bill Haahsy have chaired this year's Conference Planning Committee. Please thank them for putting together an outstanding conference.

[Return to JAC Home](#)